

**Specification**

The amendment to the specification set forth in the response filed herein on May 18, 2005 was objected to as allegedly introducing new matter into the disclosure. Applicants respectfully traverse this objection, on the ground that it is directly contrary to provisions of the MPEP and contrary to relevant case authority.

Applicants will now quote directly from § 2163.06 of the MPEP:

...[I]nformation contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter.

...

The claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. [Citing *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed.Cir. 1985).]

The amendment to the specification set forth in the prior response merely included in the specification the subject matter recited in claims 3 and 4 as originally filed. This was done to overcome the rejection of claims 3 and 4 under 35 U.S.C. § 112, first paragraph, as not supported by the specification. As is clear from the above-quoted passage of the MPEP, applicants were entirely within their rights to make the amendment to the specification set forth in the previous response, because the subject matter added to the specification was in the claims as originally filed, and the claims constitute part of the disclosure of the application. It is respectfully submitted that the Examiner was in error in stating that the subject matter added to the specification constituted new matter. The objection to the amendment to the specification should therefore be reconsidered and withdrawn. Furthermore, since the amendment to the specification was proper, the pending rejection of claims 3 and 4 under § 112, first paragraph (separately stated from the § 112, first paragraph, rejection of claims 1-45) should also be withdrawn.